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March 28, 2023

VIA ECF

Hon. Cathy L. Waldor
United States Magistrate Judge
Martin Luther King Jr. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Rose v. Ferrari North America, Inc., et al.*
Civil Action No. 2:21-cv-20772-JMV-CLW

Dear Judge Waldor:

We represent Defendants Ferrari North America, Inc. and Ferrari S.p.A. (Ferrari Defendants) in this matter. We write regarding Plaintiff (and proposed class representative) Art Bartosik's continued improper communications.

At our last status conference on March 9, 2023, we noted to the Court that Mr. Bartosik had been harassing Ferrari's personnel, including its in-house counsel, with voice messages, emails, and text messages relating to his contention that the crash of one of his vehicles (while running at high speeds through a race course) was caused by the brake-fluid issue which prompted the recalls that are the basis of this lawsuit. We also noted that Mr. Bartosik had contacted the undersigned directly.¹ The Court indicated during the status call that it was sure Plaintiffs' counsel would convey to their client that he should only be communicating with them. While I am certain Plaintiffs' counsel conveyed the Court's message, Mr. Bartosik has not listened, as this morning I received a cryptic email stating, "Times [sic] up. I will send a link to the video once it's up for your enjoyment."

If Mr. Bartosik is dissatisfied with the progress of this lawsuit, he's free to dismiss his claims. However, if he wishes to remain a Plaintiff, he should abide the rules, which include not

¹ Those communications included one email on March 3, 2023 and six emails on March 6, 2023, one of which stated, in part, "All it takes is \$315k to replace my car and all is well." In response to his March 3, 2023 email, I advised Mr. Bartosik that all communications should be through his attorneys, whom I cc'd. That request obviously had no effect.

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badgering Defendants or Defendants' counsel; if his counsel cannot convince him of that, perhaps the Court should do so. Of course, if Mr. Bartosik does remain a Plaintiff in this action, and if Plaintiffs' claims survive Defendants' motion to dismiss, he has plainly demonstrated his inadequacy as a class representative, and that his interests are antagonistic to the proposed class, as his conduct shows that his only interests in this lawsuit are his own.

We appreciate the Court's attention to this matter. If you require any further information, please do not hesitate to reach out.

Very truly yours,

Christopher J. Dalton

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cc: Counsel of record (via ECF)